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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 19th August, 1983:—

BILL No. 94 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Forty-eighth Amendment) Act, 1983.

Short
title.

2. In the Ninth Schedule to the Constitution, after entry 188 and before the *Explanation*, the following entries shall be inserted, namely:—

Amend-
ment of
the Ninth
Sche-
dule.

“189. The Assam (Temporarily Settled Areas) Tenancy Act, 1971 (Assam Act XXIII of 1971).

190. The Assam (Temporarily Settled Areas) Tenancy (Amendment) Act, 1974 (Assam Act XVIII of 1974).

191. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) (Amending) Act, 1974 (Bihar Act 13 of 1975).

192. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1976 (Bihar Act 22 of 1976).

193. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1978 (Bihar Act VII of 1978).

194. The Land Acquisition (Bihar Amendment) Act, 1979 (Bihar Act 2 of 1980).

195. The Haryana Ceiling on Land Holdings (Amendment) Act, 1977 (Haryana Act 14 of 1977).

196. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1978 (Tamil Nadu Act 25 of 1978).

197. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1979 (Tamil Nadu Act 11 of 1979).

198. The Uttar Pradesh Zamindari Abolition Laws (Amendment) Act, 1978 (Uttar Pradesh Act 15 of 1978).

199. The West Bengal Restoration of Alienated Land (Amendment) Act, 1978 (West Bengal Act XXIV of 1978).

200. The West Bengal Restoration of Alienated Land (Amendment) Act, 1980 (West Bengal Act LVI of 1980).

201. The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Goa, Daman and Diu Act 7 of 1964).

202. The Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Act, 1976 (Goa, Daman and Diu Act 17 of 1976).".

STATEMENT OF OBJECTS AND REASONS

Article 31B of the Constitution confers on the enactments included in the Ninth Schedule to the Constitution immunity from any possible attack that they are violative of any of the fundamental rights. The immunity does not extend to any amendment made to such Acts after their inclusion in the Ninth Schedule.

2. Recourse was had in the past to the Ninth Schedule whenever it was found that progressive legislation conceived in the interest of the public was imperilled by litigation. Several State enactments relating to land reforms and ceiling on agricultural land holdings have already been included in the Ninth Schedule. The Sixth Five Year Plan (1980—85) contains an assurance that "necessary action would be taken to bring before Parliament land reform Acts not yet included in the Ninth Schedule to the Constitution for immediate inclusion in the said Schedule" and that the same "would be done in the case of future Acts without delay so that these laws are protected from challenge in courts". The State Governments of Assam, Bihar, Haryana, Tamil Nadu, Uttar Pradesh and West Bengal and the Administration of the Union territory of Goa, Daman and Diu have suggested the inclusion of some of their Acts relating to land reforms in the Ninth Schedule. Some of the Acts suggested for inclusion are by way of amendments to Acts already included in the Ninth Schedule. The various Acts which have been suggested for inclusion have been examined and it is proposed to include in the Ninth Schedule such of these Acts as have either been challenged or are likely to be challenged and thereby ensure that the implementation of these Acts is not adversely affected by litigation.

3. The Bill seeks to achieve the above object.

NEW DELHI;
The 31st July, 1983.

HARINATHA MISRA.

AVATAR SINGH RIKHY,
Secretary.

